IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jeffrey Besterman et al	)	Examiner: S. McGarry
Serial No.: 09/420,692	)	Art Unit: 1635
Filed: October 19, 1999	)	
For: Modulation of Gene Expression by Combination Therapy	)	
Attorney Docket No. 106101.197	)	

STATEMENT UNDER 37 C.F.R. §1.821(f)

BOX SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

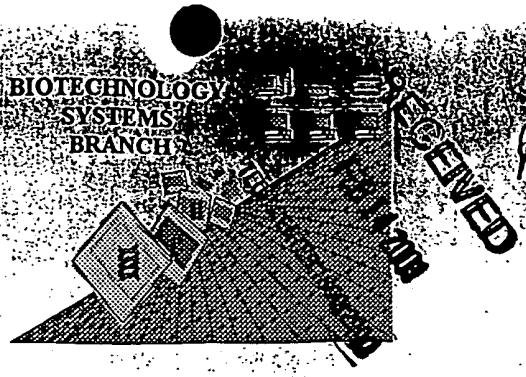
The diskette enclosed herewith contains a computer readable form of the Sequence Listing for the above-referenced patent application. The information recorded in computer readable form on the diskette is identical to the written sequence listing. The computer readable form of the sequence listing contained on this diskette is understood to comply with the requirements of §1.821(f).

Respectfully submitted,

Date: 7/19/01

Wayne A. Keown, Ph.D.
Registration No. 33,923

HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000 (telephone)
(617) 526-5000 (facsimile)



RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/420,692

Source: 1643

Date Processed by STIC: 02/05/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW.

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.
Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:
http://www.uspto.gov/web/offices/pac/checker

Raw Sequence Listing Error Summary

ERROR DETECTED SUGGESTED CORRECTION SERIAL NUMBER: 09/420,642

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1 _____ Wrapped Nucleics
The number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".

2 _____ Wrapped Aminos
The amino acid number/text at the end of each line "wrapped " down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".

3 _____ Incorrect Line Length
The rules require that a line not exceed 72 characters in length. This includes spaces.

4 _____ Misaligned Amino Acid Numbering
The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.

5 _____ Non-ASCII
This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.

6 _____ Variable Length
Sequence(s) ____ contain n's or Xaa's which represented more than one residue.
As per the rules, each n or Xaa can only represent a single residue.
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.

7 _____ PatentIn ver. 2.0 "bug"
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence.

8 _____ Skipped Sequences (OLD RULES)
Sequence(s) ____ missing. If intentional, please use the following format for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X:
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:
This sequence is intentionally skipped

Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).

9 _____ Skipped Sequences (NEW RULES)
Sequence(s) ____ missing. If intentional, please use the following format for each skipped sequence.
<210> sequence id number
<400> sequence id number
000

10 _____ Use of n's or Xaa's (NEW RULES)
Use of n's and/or Xaa's have been detected in the Sequence Listing.
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

11 ✓ Use of <213>Organism (NEW RULES)
Sequence(s) All are missing this mandatory field or its response.

12 _____ Use of <220>Feature (NEW RULES)
Sequence(s) ____ are missing the <220>Feature and associated headings.
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"
Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)

13 _____ PatentIn ver. 2.0 "bug"
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other means to copy file to floppy disk.

1643

RAW SEQUENCE LISTING DATE: 07/05/2001
PATENT APPLICATION: US/09/420,692 TIME: 11:16

Input Set : A:\106101-197.ST25.txt
Output Set: N:\CRF3\02052001\I420692.raw

Does Not Comply
Corrected Diskette Needed
see page 5

3 <110> APPLICANT: Besterman, Jeffrey
4 MacLeod, Robert
5 Siders, William
7 <120> TITLE OF INVENTION: Modulation of Gene Expression by Combination Therapy
9 <130> FILE REFERENCE: 106101.197
11 <140> CURRENT APPLICATION NUMBER: 09/420,692
12 <141> CURRENT FILING DATE: 1999-10-19
14 <150> PRIOR APPLICATION NUMBER: US 60/104,804
15 <151> PRIOR FILING DATE: 1998-10-19
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73 tttctgttaa gctgtctctt 20

See item 11 on ERROR Summary Sheet
Response can be 1 of 3: 1) Scientific name
"Genus Species", 2) Artificial Sequence, 3) Unknow

RAW SEQUENCE LISTING DATE: 02/05/2001
PATENT APPLICATION: US/09/420,692 TIME: 14:11:16

Input Set : A:\106101-197.ST25.txt
Output Set: N:\CRF3\02052001\I420692.raw

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 99 <213> ORGANISM: oligonucleotide
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RAW SEQUENCE LISTING DATE: 02/05/2001
PATENT APPLICATION: US/09/420,692 TIME: 14:11:16

Input Set : A:\106101-197.ST25.txt
Output Set: N:\CRF3\02052001\1420692.raw

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174 <211> LENGTH: 20
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RAW SEQUENCE LISTING DATE: 02/05/2001
PATENT APPLICATION: US/09/420,692 TIME: 14:11:17

Input Set : A:\106101-197.ST25.txt
Output Set: N:\CRF3\02052001\I420692.raw

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294 <213> ORGANISM: oligonucleotide
297 <400> SEQUENCE: 29
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302 <211> LENGTH: 20
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304 <213> ORGANISM: oligonucleotide
307 <400> SEQUENCE: 30
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311 <210> SEQ ID NO: 31
312 <211> LENGTH: 20
313 <212> TYPE: DNA

page 1

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                    RAW SEQUENCE LISTING                    DATE: 02/05/2001
                    PATENT APPLICATION:  US/09/420,692      TIME: 14:11:17

                    Input Set : A:\106101-197.ST25.txt
                    Output Set: N:\CRF3\02052001\I420692.raw

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383 <213> ORGANISM: oligonucleotide
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page 1

The types of errors shown exist <u>throughout</u> the Sequence Listing. Please check subsequent sequences for similar errors.

VERIFICATION SUMMARY DATE: 02/05/2001
PATENT APPLICATION: US/09/420,692 TIME: 14:11:18

Input Set : A:\106101-197.ST25.txt
Output Set: N:\CRF3\02052001\I420692.raw

UNITED S. . ES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/420,692			

EXAMINER	
McGarry	
ART UNIT	PAPER NUMBER
1635	9

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 1/14/01 is not fully responsive to the communication mailed 12/01/00 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

Since the response appears **bona fide** applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CAR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CAR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CAR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication should be directed to Examiner Sean McGarry, Art Unit 1635, whose telephone number is (703) 305-7028.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

June 19, 2001

SEAN McGARRY
PRIMARY EXAMINER

HALE & DORR DOCKETING

RE: 10610I.197
Action Date: 7.19.01
Action to be Taken: DID
Docketed by: CH On: 6.26.0

Application No 09/648,103

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- [X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- [ ] 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- [ ] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- [X] 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- [ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- [ ] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- [ ] 7. Other: _____

Applicant Must Provide:

- [X] An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- [X] An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- [X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support
Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY